

**Nuclear Power Plant Review and Approval; Engrossed Text (s. 196.493, Stats.)**

**196.493** (title) ~~Construction of nuclear~~ **Nuclear power plants limited.**

**(1g)** LEGISLATIVE FINDINGS. The legislature finds all of the following:

(a) The state retains its authority under the United States constitution to exercise its police power to protect public health, safety, and welfare.

(b) Determining the need for the construction of electric generating facilities and controlling land use, including the siting of new or expanded electric generating facilities, is primarily and traditionally a matter of state interest and under state control.

(c) The state has a particular and unique interest in determining the need for and siting of nuclear power plants, given the size, cost, and environmental and safety issues associated with these plants and the resulting economic impact on the state.

(d) As of the effective date of this paragraph .... [LRB inserts date], the federal government has failed to meet its obligation to implement a policy to provide for the safe and effective disposal of spent nuclear fuel from nuclear power plants. This situation has and will continue to lead to the long-term storage of spent nuclear fuel at the sites of nuclear power plants resulting in increased risk of exposure to accidental releases of radioactive materials from the handling and storage of the spent nuclear fuel and increased expenses for local and state governments providing emergency response services to the nuclear power plants.

(e) While the recent safety record of the nuclear power industry is good and the likelihood of an accident at a new or expanded nuclear power plant resulting in a

major release of radioactive materials is low, if such an accident were to occur, its effects could be catastrophic to the health and safety of the people of Wisconsin, the economic well-being of Wisconsin, and the natural resources of Wisconsin.

(f) To limit the risks associated with the long-term storage of spent nuclear fuel at the sites of nuclear power plants and with the operation of nuclear power plants, it is necessary that Wisconsin adopt policies that limit the number of new or expanded nuclear power plants constructed in the state.

(g) To distribute the risks associated with the long-term storage of spent nuclear fuel at the sites of nuclear power plants and with the operation of nuclear power plants, it is necessary that Wisconsin adopt policies that encourage the siting of nuclear power plants relatively close to the demand for the electricity produced by the plants.

(h) To offset the risks associated with the long-term storage of spent nuclear fuel at the sites of nuclear power plants and with the operation of nuclear power plants, it is necessary that Wisconsin adopt policies that ensure citizens of the state will receive the maximum benefits from any new or expanded nuclear power plants constructed in the state.

(i) The most effective policy to achieve the objectives in pars. (f) to (h) is to require that the entire output from any new or expanded nuclear power plant constructed in the state will be needed and used to meet the expected requirements for electricity of electric utility ratepayers or members of electric cooperatives in the state.

**(1) (1r)** DEFINITION DEFINITIONS. In this section, “nuclear;

(ag) “Electric cooperative” means a cooperative association that is organized under ch. 185 for the purpose of providing electricity at retail or wholesale to its members only.

(ar) Except as provided in par. (b), “nuclear power plant” means a nuclear-fired large electric generating facility as defined under s. 196.491 (1) (g). This paragraph does not apply beginning on the date specified in the notice published under sub. (3) (b).

(b) “Nuclear power plant” has the meaning given in s. 196.491 (1) (j). This paragraph takes effect on the date specified in the notice published under sub. (3) (b).

**(2) LIMITS ON CERTIFICATION.**

(am) The commission may not certify under s. 196.49 (3) (b) or 196.491 (3) any nuclear power plant unless the commission finds that all of the following:

~~(2)~~ (a) 1. A federally licensed facility, or a facility outside of the United States which the commission determines will satisfy the public welfare requirements of the people of this state, with adequate capacity to dispose of high-level nuclear waste from all nuclear power plants operating in this state will be available, as necessary, for disposal of the waste; and. This subdivision does not apply to certifications made on or after the date specified in the notice published under sub. (3) (b).

1m. The plan for managing the nuclear waste from the proposed nuclear power plant is economic, reasonable, stringent, and in the public interest, given the safety and other risks presented by the waste. This subdivision first applies to certifications made on the date specified in the notice published under sub. (3) (b).

~~(b)~~ 2. The Except as provided in par. (c), the proposed nuclear power plant, in comparison with feasible alternatives, is economically advantageous to ratepayers, based upon all of the following:

~~(b) 1. a. The existence of a reliable and adequate nuclear fuel supply;~~

~~(b) 2. b. The costs for construction, operation and decommissioning of nuclear power plants and for nuclear waste disposal; and,~~

c. The benefits to the state and the environment resulting from reductions of air pollutant emissions from the proposed nuclear power plant compared to emissions from feasible alternatives. This subd. 2. c. first applies to certifications made on or after the date specified in the notice published under sub. (3) (b).

~~3. d. Any other factor having an impact on the economics of nuclear power plants, as determined by the commission.~~

3. For certifications made on or after the date specified in the notice published under sub. (3) (b), the proposed nuclear power plant will provide electricity to ratepayers or members of electric cooperatives in this state at a reasonable cost based upon all of the following:

a. The existence of a reliable and adequate nuclear fuel supply.

b. The costs for construction, operation, and decommissioning of nuclear power plants and for nuclear waste disposal.

c. Any other factor having an impact on the economics of nuclear power plants, as determined by the commission.

4. For certifications made on or after the date specified in the notice published under sub. (3) (b), the entire output of electricity produced by the proposed nuclear power plant will be needed and used to meet the expected requirements for electricity of ratepayers or members of electric cooperatives in this state and the applicant demonstrates to the commission's satisfaction that the output will be needed and used for this purpose.

(c) For certifications made on or after the date specified in the notice published under sub. (3) (b), the commission shall make the finding under par. (am) 2. based on economic advantages to ratepayers or members of electric cooperatives in this state.

(3) REGISTER PUBLICATION. (a) The commission shall determine all of the following:

1. The effective dates of all rules promulgated by the commission, and all orders issued by the commission, that are necessary to initially implement the changes to s. 196.378 by 2009 Wisconsin Act ... (this act), and other related statutory changes made by that act.

2. The effective dates of all rules promulgated by the commission, and all orders issued by the commission, that are necessary to initially implement the changes to s. 196.374 by 2009 Wisconsin Act ... (this act), and other related statutory changes made by that act.

(b) The commission shall publish a notice in the Wisconsin Administrative Register specifying the first date on which all of the rules and orders described in par. (a) are in effect.

(4) DECOMMISSIONING. The commission may by order specify the method for an owner or operator of a nuclear power plant to provide reasonable assurance that funds in an amount determined by the commission will be available to decommission the plant and to dispose of spent nuclear fuel from the plant, and require the owner or operator to provide such assurance. This subsection applies to a nuclear power plant for which the commission issues a certificate of public convenience and necessity under s. 196.491 (3) on or after the date specified in the notice published under sub. (3) (b).